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would render the carrier liable. *Spiegel v. Pacific Mail S. S. Co.*, *supra*. And the carrier also consented to the claims of the plaintiffs in the replevin action. Furthermore, it released the bond given to secure the consignee's claim. *A fortiori*, the carrier should be held liable to the consignee for the value of the shipment.

CONFLICT OF LAWS—FOREIGN LAW NOT PLEADED OR PROVED—PRESUMPTIONS.—Plaintiff's husband was killed by a train in Oklahoma, and plaintiff brought suit in Missouri for damages for the wrongful death. The Oklahoma law was not pleaded or proved. On a question of whether the humanitarian rule existed in Oklahoma, it was *held*, the law of the forum will be applied where the foreign law is not pleaded or proved. *Baker v. St. Louis & S. F. R. Co.* (Mo.), 172 S. W. 1185. See NOTES, p. 612.

CONSTITUTIONAL LAW—EFFECT OF A CHANGE OF JUDICIAL DECISIONS CONSTRUING A CRIMINAL STATUTE.—A bank cashier was accused of the violation of a statute making it a criminal offence to receive deposit for the bank at a time when the bank's insolvency was known to him. Before the accused committed the act charged, the statute had been pronounced unconstitutional by the highest State court, but before his trial that court in another case had reversed its prior holding and declared the statute constitutional. Since judicial decisions construing criminal statutes should be given a prospective operation, *held*, the accused must be acquitted. *State v. Longino* (Miss.), 67 South. 902. See NOTES, p. 609.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAWS—NEGRO JURORS.—A grand jury entirely composed of white men indicted the defendant, a negro, for the murder of a white person. He was tried and found guilty by a jury of white men. *Held*, the conviction was not a denial of the equal protection of the laws, since no illegality in the selection of the jurors was proved. *State v. Smith* (R. I.), 93 Atl. 353.

A negro defendant is denied the equal protection of the laws contrary to the Fourteenth Amendment to the Federal Constitution, when solely by reason of their race and color, negroes are excluded from the grand jury finding the indictment. *Carter v. Texas*, 177 U. S. 442. A statute which denies to colored citizens, as such, the right to serve on juries is unconstitutional; and indictment and conviction of a negro by juries selected thereunder is invalid. *Strouder v. West Virginia*, 100 U. S. 303. An indictment in an action against a colored defendant should be quashed where it is shown that the names of negroes were excluded from the jury boxes for the purpose of depriving them of participation in jury service, there being negroes in the county competent to serve. *Montgomery v. State*, 55 Fla. 97, 45 South. 879; *Farrow v. State*, 91 Miss. 509, 45 South. 619. However, an indictment of a negro should not be quashed on the ground of a denial of the equal protection of the laws, by reason of the grand jury's being wholly composed of white persons, when there is no proof that negroes were excluded from the jury by reason of their race. *Brownfield v. South Caro-*